

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

BRADLEY J. BAKER and
WADE R. WOLF,

Plaintiffs,

Case No. 1:09-cv-716

v

Hon. Robert J. Jonker

OBSIDIAN ENTERPRISES, INC.,
and TIMOTHY S. DURHAM,
jointly and severally,

Defendants.

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STIPULATED ORDER TO COMPEL PRODUCTION

Plaintiffs Bradley J. Baker and Wade R. Wolf, by and through their counsel, and Defendant Timothy S. Durham, by and through his counsel, in lieu of contesting Defendant's Motion to Compel (Dkt. no. 50), hereby stipulate and agree to entry of an order providing as follows:

1. Plaintiffs shall produce a certain silver laptop computer ("PC"), which as of March 29th, 2010 was labeled "Wade Wolf's" and in the custody of Plaintiffs' counsel, for inspection by Defendant's counsel and/or inspection and forensic copying of files contained therein by a third party expert retained by Defendant's counsel, within fourteen (14) days from the date of this Order.

2. Plaintiffs shall provide, to the extent possible, all necessary passwords to access any and all relevant files contained within the PC at the time of the inspection.

3. Any inadvertent inclusion of any privileged material shall not result in the waiver of any associated privilege nor result in subject matter waiver of any kind.

4. Defendant shall not use or disclose any information discovered or copied from the PC that may be subject to a reasonable claim of privilege, subject to the Court's ruling in the event that a dispute arises as to the privileged nature of the information.

5. Defendant shall withdraw his Motion to Compel in its entirety.

IT IS SO ORDERED.

Dated: May 5, 2010

/s/ Hugh W. Brenneman, Jr.

Hon. Hugh W. Brenneman
Magistrate Judge

Approved by:

Dated: May 5, 2010

/s/ Theodore J. Westbrook

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Dated: May 5, 2010

/s/ Robert P. Brothers

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